

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CHARLES R. BEMBRY and
MICHAEL POOLE,

08-CV-02369 (VM) (FM)

Plaintiffs,

- against -

NEW YORK METRO AREA
POSTAL UNION, AMERICAN
POSTAL UNION, AFL-CIO, and
CLARICE TORRENCE,

Defendants.

-----X

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and Affidavit of Larry Cary, defendant New York Metro Area Postal Union, APWU, AFL-CIO, by its attorneys, Cary Kane LLP, will move this Court before the Honorable Victor Marrero, United States District Judge, in Courtroom 20B of the United States District Courthouse, 500 Pearl Street, New York, NY, 10007, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure partially dismissing plaintiffs' Complaint, and granting defendants such other relief against plaintiff as is just.

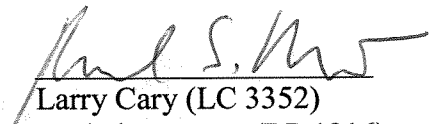
PLEASE TAKE FURTHER NOTICE that plaintiff is required to serve answering memoranda and affidavits, if any, upon the defendants' attorneys on or before May 14, 2008.

PLEASE TAKE FURTHER NOTICE that defendants are required to serve reply memoranda and affidavits, if any, upon the plaintiff on or before May 26, 2008.

Dated: New York, New York
April 25, 2008

CARY KANE LLP

By:



Larry Cary (LC 3352)
Rachel S. Paster (RP 1216)
Attorneys for Defendants
1350 Broadway, Suite 815
New York, NY 10018
(212) 868-6300
Fax: (212) 868-6302